

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

**LOCAL UNION NO. 124 I.B.E.W. PENSION )  
TRUST FUND, a Trust Fund, et al. )  
  )  
Plaintiffs, )  )  
  )  No.: 17-658-CV-W-SRB  
vs. )  )  
  )  
  )  
**ALPHA ENERGY AND ELECTRIC, )  
  )  
  )  
  )  
Defendant(s). )****

**DEFENDANT'S ANSWER TO PLAINTIFFS' PETITION**

**COMES NOW**, Defendant by and through counsel, and responds to Plaintiffs' petition as follows:

1. Defendant denies the allegations contained in paragraph 1 of Count I, of Plaintiffs' petition.
2. Defendant is without sufficient information regarding the authenticity of the allegations contained in paragraph 2 of Count I of Plaintiffs' petition and therefore denies the allegations.
3. Defendant is without sufficient information regarding the authenticity of the allegations contained in paragraph 3 of Count I of Plaintiffs' petition and therefore denies the allegations.
4. Defendant is without sufficient information regarding the authenticity of the allegations contained in paragraph 4 of Count I of Plaintiffs' petition and therefore denies the allegations.

5. Defendant is without sufficient information regarding the authenticity of the allegations contained in paragraph 5 of Count I of Plaintiffs' petition and therefore denies the allegations.
6. Defendant admits the allegations contained in paragraph 6 of Count I, of Plaintiffs' petition.
7. Defendant denies the allegations contained in paragraph 7 of Count I, of Plaintiffs' petition.
8. Defendant denies the allegations contained in paragraph 8 of Count I, of Plaintiffs' petition.
9. Defendant is without sufficient information regarding the authenticity of the allegations contained in paragraph 9 of Count I of Plaintiffs' petition and therefore denies the allegations.
10. Defendant denies the allegations contained in paragraph 10 of Count I, of Plaintiffs' petition.
11. Defendant is without sufficient information regarding the authenticity of the allegations contained in paragraph 11 of Count I of Plaintiffs' petition and therefore denies the allegations.
12. Defendant is without sufficient information regarding the authenticity of the allegations contained in paragraph 12 of Count I of Plaintiffs' petition and therefore denies the allegations.
13. Defendant denies the allegations contained in paragraph 13 of Count I, of Plaintiffs' petition.
14. Defendant denies the allegations contained in paragraph 14 of Count I, of Plaintiffs' petition.
15. Defendant is without sufficient information regarding the authenticity of the allegations contained in paragraph 12 of Count I of Plaintiffs' petition and therefore denies the allegations.

16. Defendant specifically denies the allegation contained in paragraph 16 of Count I, of Plaintiffs' petition.
17. Defendant specifically denies the allegation contained in paragraph 17 of Count I, of Plaintiffs' petition. This action is brought for the specific purpose of shutting down a small minority owned business.
18. Defendant denies the allegations contained in paragraph 18 of Count I, of Plaintiffs' petition.

**WHEREFORE**, having fully answered, Defendant prays for judgement against Plaintiffs on Count I and in its favor, for its costs incurred herein, and for such further relief as the Court deems just and proper.

#### **COUNT II**

**COMES NOW**, Defendant by and through counsel, and responds to Count II of Plaintiffs' petition as follows:

1. Defendant is without sufficient information regarding the authenticity of the allegations contained in paragraph 1 of Count II, of Plaintiffs' petition and therefore denies the allegations.
2. Defendant is without sufficient information regarding the authenticity of the allegations contained in paragraph 2 of Count II, of Plaintiffs' petition and therefore denies the allegations.
3. Defendant denies the allegations contained in paragraph 3 of Count II, of Plaintiffs' petition.
4. Defendant incorporates its answers to each previous allegation referenced in paragraph One (1), Four (4), Five (5), Six (6), Seven (7), Eight (8), Nine (9), Ten (10), Eleven (11), Twelve

(12), Thirteen (13), Fourteen (14), Fifteen (15), Sixteen (16), and Seventeen (17), of Count I, of Plaintiffs' petition.

**WHEREFORE**, having fully answered, Defendant prays for judgement against Plaintiffs on Count II and in its favor, for its costs incurred herein, and for such further relief as the Court deems just and proper.

### **COUNT III**

**COMES NOW**, Defendant by and through counsel, and responds to Count III of Plaintiffs' petition as follows:

1. Defendant is without sufficient information regarding the authenticity of the allegations contained in paragraph 1 of Count III, of Plaintiffs' petition and therefore denies the allegations.
2. Defendant denies the allegations contained in paragraph 2 of Count III, of Plaintiffs' petition.
3. Defendant denies the allegations contained in paragraph 3 of Count III, of Plaintiffs' petition.
4. Defendant incorporates its answers to each allegation incorporated into paragraphs One (1), Four (4), Five (5), Six (6), Seven (7), Eight (8), Nine (9), Ten (10), Eleven (11), Twelve (12), Thirteen (13), Fourteen (14), Fifteen (15), Sixteen (16), and Seventeen (17) of Count I, of Plaintiffs' petition.

**WHEREFORE**, having fully answered, Defendant prays for judgement against Plaintiffs on Count III and in its favor, for its costs incurred herein, and for such further relief as the Court deems just and proper.

## **COUNT IV**

**COMES NOW**, Defendant by and through counsel, and responds to Count IV of Plaintiffs' petition as follows:

1. Defendant is without sufficient information regarding the authenticity of the allegations contained in paragraph 1 of Count IV, of Plaintiffs' petition and therefore denies the allegations.
2. Defendant is without sufficient information regarding the authenticity of the allegations contained in paragraph 2 of Count IV, of Plaintiffs' petition and therefore denies the allegations.
3. Defendant denies the allegations contained in paragraph 3 of Count IV, of Plaintiffs' petition.
4. Defendant incorporates its answers to each allegation incorporated into paragraphs One (1), Four (4), Five (5), Six (6), Seven (7), Eight (8), Nine (9), Ten (10), Eleven (11), Twelve (12), Thirteen (13), Fourteen (14), Fifteen (15), Sixteen (16), and Seventeen (17) of Count I, of Plaintiffs' petition.

**WHEREFORE**, having fully answered, Defendant prays for judgement against Plaintiffs on Count IV and in its favor, for its costs incurred herein, and for such further relief as the Court deems just and proper.

## **COUNT V**

**COMES NOW**, Defendant by and through counsel, and responds to Count V Plaintiffs' petition as follows:

1. Defendant is without sufficient information regarding the authenticity of the allegations contained in paragraph 1 of Count V, of Plaintiffs' petition and therefore denies the allegations.

2. Defendant is without sufficient information regarding the authenticity of the allegations contained in paragraph 2 of Count V, of Plaintiffs' petition and therefore denies the allegations.
3. Defendant denies the allegations contained in paragraph 3 of Count V, of Plaintiffs' petition.
4. Defendant incorporates its answers to each allegation incorporated into paragraphs One (1), Four (4), Five (5), Six (6), Seven (7), Eight (8), Nine (9), Ten (10), Eleven (11), Twelve (12), Thirteen (13), Fourteen (14), Fifteen (15), Sixteen (16), and Seventeen (17) of Count I, of Plaintiffs' petition.

**WHEREFORE**, having fully answered, Defendant prays for judgement against Plaintiffs on Count V and in its favor, for its costs incurred herein, and for such further relief as the Court deems just and proper.

**COUNT VI**

**COMES NOW**, Defendant by and through counsel, and responds to Count VI Plaintiffs' petition as follows:

1. Defendant is without sufficient information regarding the authenticity of the allegations contained in paragraph 1 of Count VI, of Plaintiffs' petition and therefore denies the allegations.
2. Defendant is without sufficient information regarding the authenticity of the allegations contained in paragraph 2 of Count VI, of Plaintiffs' petition and therefore denies the allegations.
3. Defendant denies the allegations contained in paragraph 3 of Count VI, of Plaintiffs' petition.

4. Defendant incorporates its answers to each allegation incorporated into paragraphs One (1), Four (4), Five (5), Six (6), Seven (7), Eight (8), Nine (9), Ten (10), Eleven (11), Twelve (12), Thirteen (13), Fourteen (14), Fifteen (15), Sixteen (16), and Seventeen (17) of Count I, of Plaintiffs' petition.

**WHEREFORE**, having fully answered, Defendant prays for judgement against Plaintiffs on Count VI and in its favor, for its costs incurred herein, and for such further relief as the Court deems just and proper.

**COUNT VII**

**COMES NOW**, Defendant by and through counsel, and responds to Count VII of Plaintiffs' petition as follows:

1. Defendant is without sufficient information regarding the authenticity of the allegations contained in paragraph 1 of Count VII, of Plaintiffs' petition and therefore denies the allegations.
2. Defendant is without sufficient information regarding the authenticity of the allegations contained in paragraph 2 of Count VII, of Plaintiffs' petition and therefore denies the allegations.
3. Defendant is without sufficient information regarding the authenticity of the allegations contained in paragraph 3 of Count VII, of Plaintiffs' petition and therefore denies the allegations.
4. Defendant denies the allegations contained in paragraph 4 of Count VII, of Plaintiffs' petition.
5. Defendant incorporates its answers to each allegation incorporated into paragraphs One (1), Four (4), Five (5), Six (6), Seven (7), Eight (8), Nine (9), Ten (10), Eleven (11), Twelve (12), Thirteen (13), Fourteen (14), Fifteen (15), Sixteen (16), and Seventeen (17) of Count I, of Plaintiffs' petition.

(12), Thirteen (13), Fourteen (14), Fifteen (15), Sixteen (16), and Seventeen (17) of Count I, of Plaintiffs' petition.

**WHEREFORE**, having fully answered, Defendant prays for judgement against Plaintiffs on Count VII and in its favor, for its costs incurred herein, and for such further relief as the Court deems just and proper.

### **COUNT VIII**

**COMES NOW**, Defendant by and through counsel, and responds to Count VIII of Plaintiffs' petition as follows:

1. Defendant is without sufficient information regarding the authenticity of the allegations contained in paragraph 1 of Count VIII, of Plaintiffs' petition and therefore denies the allegations.
2. Defendant is without sufficient information regarding the authenticity of the allegations contained in paragraph 2 of Count VIII, of Plaintiffs' petition and therefore denies the allegations.
3. Defendant is without sufficient information regarding the authenticity of the allegations contained in paragraph 3 of Count VIII, of Plaintiffs' petition and therefore denies the allegations.
4. Defendant admits the allegations contained in paragraph 4 of Count VIII, of Plaintiffs' petition.
5. Defendant denies the allegations contained in paragraph 5 of Count VIII, of Plaintiffs' petition.
6. Defendant denies the allegations contained in paragraph 6 of Count VIII, of Plaintiffs' petition.

**WHEREFORE**, having fully answered, Defendant prays for judgement against Plaintiffs on Count VIII and in its favor, for its costs incurred herein, and for such further relief as the Court deems just and proper.

Respectfully submitted,

**CHIONUMA LAW FIRM, LLC,**

By: /S/ Chuck N. Chionuma

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ATTORNEY FOR DEFENDANTS

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing was electronically filed this 30th day of August 2017.

*/s/ Chuck N. Chionuma*

By: \_\_\_\_\_

